IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3293 OF 2000

Shri Jitendra Bhagwantrao Ahire, .. Petitioner
Vs
State of Maharashtra & Ors. .. Respondents
Mr V.A.Madane with Mr R.K.Mendadkar, for the petitioner.
Mr C.R.Sonawane, AGP for the respondents.

CORAM : V.G.PALSHIKAR, Ag.C.J., &
D.B.BHOSALE,J.
DATE : 16.11.2005.

PC:

1. By this petition, the petitioner prayed for a direction to grant the petitioner admission on the basis that he belongs to a reserved category in the first year engineering degree course.

2. On 13.10.2000, the following order was passed.

. "Heard parties.

. Rule.

. Interim reliefs in terms of prayer clauses (d) and (e-1)."

Prayer clause (d) prayed for a stay of the order passed by the Scrutiny Committee. Prayer (e-1) prayed for a direction to respondent no.6 to allow the petitioner to prosecute his studies in the engineering degree course, allow him to appear for the examination and also to declare results from time to time in accordance with law.

3. Since both these prayers were granted as interim

reliefs, the petitioner must have completed his education to extent of obtaining a degree in concerned branch of engineering.

4. We have perused the impugned order. It is based on evidence and the findings are not in any manner perverse. We, therefore, see no reason to interfere with the impugned order. The petition is, accordingly, dismissed.

5. However, by the interim order, the petitioner has put in studies for last more than five years. The results were directed to be declared from time to time. It is obvious, therefore, that the petitioner must have completed his education to the degree level. No fruitful purpose will be served by cancelling the degree, if any, obtained by the petitioner. Hence, the following order.

(i) The petition is disposed of.

(ii) In the light of the above observations, it is directed that the degree or diploma or any other certificate obtained by the petitioner while pursuing the studies because of the interim order, shall not be disturbed for any reason that the petition was pending. It is also made clear that the petitioner shall not be entitled to claim any benefit under the certificate which is declared invalid and the declaration is upheld by us above.